THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.18069 of 2007

Between:

K.V.S.Prabhakar Rao.

.. PETITIONER

and

The District Collector and another.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.18069 of 2007

ORDER:

It is the case of the petitioner that he is the owner of the house bearing No.3-47 (old), 1-108 (new) situated at Agraharam Street, Rajanagaram Village and Mandal, East Godavari District. In front of his house, there is an empty space and beyond which, there is a road for entering into the house of the petitioner. Since the date of purchase of the land, the entry into the house of the petitioner had been from the road situated beyond a small track of land and that is the only source of ingress and egress to the house of the petitioner. It is stated that the 2nd respondent issued a letter, dated 02-07-2007, to the tenants of the petitioner stating that permission was accorded for constructing compound wall. It is stated that when the 1st respondent started constructing compound wall, the petitioner and his tenants objected for it. Therefore, the petitioner seeks to issue a Writ of Mandamas directing the 1st respondent not to make construction of the compound wall in front of the house of the petitioner without leaving space for entry into the house of the petitioner.

I am of the opinion that whether there is any violation of the petitioner's easementary right and whether the 1st respondent is constructing compound wall after obtaining permission, are all the matters, which cannot be decided in this writ petition.

Accordingly, the writ petition is dismissed with liberty to avail alternative remedy to decide the disputed question of fact. There shall be no order as to costs.

18-09-2007

Prv